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APPLICATION NO.	FILING DAT	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/699,039	10/31/2003	Juozas Vidas Grazulevicius	3216.32US01	1192
24113	7590 02/18/2005		EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.			DOTE. JANIS L	
4800 IDS CENTER 80 SOUTH 8TH STREET MINNEAPOLIS, MN 55402-2100			ART UNIT	PAPER NUMBER
		1756		
			DATE MAILED: 02/18/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

	Application No.	Applicant(s)	7	
10/699,039		GRAZULEVICIUS ET AL.		
	Examiner	Art Unit		
	Janis L. Dote	1756		

### Janis L. Dote ### Janis L.	Before the Filing of an Appeal Brief	Examiner	A -4 11-4	r					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 02 February 2005 FAILS TO PLACE THIS APPLICA∏ION IN CONDITION FOR ALLOWANCE. I ST he reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandorment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 GFR 1.114. The reply must be filed within one of the following replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 GFR 1.114. The reply must be filed within one of the following replication in the final rejection, whichever is later. In new event, however, will be statutory period for reply explices on: (1) the mailing date of this Advancy Actor, § (2) the date set forth in the final rejection, whichever is later. In new event, however, will be statutory period for reply explices on: (1) the mailing date of the final rejection, whichever is later. In new event, however, will be statutory period for reply explication and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension and the corresponding amount of the fee. The appropriate extension and the	20.010 tire timing of an Appear 27.01		Art Unit						
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1. ☑ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must limely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.1.41. The reply must be filed within one of the following imperiods: a) □ The period for reply expires on: (1) the mailing date of this Advisory Action, br (2) the date set forth in the final rejection, whichever is tater. In not accompanies to the set of	The MAILING DATE of this communication appe	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
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event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examine Note: 16b oct. 18 checked, cheek bed to qo (b) ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for file of the cheek. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any sand plant the major and the filed and the corresponding amount of the date of filing an appeal brief. The Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MINEDIMENTS MINEDIMENTS They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise new issues that would require further consideration and/or search (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues it appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejecte									
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was filed on A brief in compliance with 37 CFR 41.37(e)), to avoid dismissal of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues of appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: see the attachment, peragraph 1. (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): 6. Newly proposed or amended claim(s) 26 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 1-22. Claim(s) withdrawn from consideration. AFFIDAVIT OR OTHER EVIDENCE 8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1). 10. The affidavit or other evidence filed after the date of fili	Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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Cohtinuation Sheet (PTOL-303) U.S. Patent and Trademark Office PTOL-303 (Rev. 9-04)

Advisory Action Before the Filing of an Appeal Brief

Application No.

Part of Paper No. 02152005

Art Unit: 1756

- 1. The proposed amendment filed on Feb. 2, 2005, to claim 23, adding the limitation that the group "Z comprises a julolidine group," raises new issues that would require further considerations and/or search, because the limitation was not present in the charge transport material claims when the final rejection was mailed on Jan. 10, 2005. Moreover, proposed new claim 27 file on Feb. 2, 2005, raises a rejection under 35 U.S.C. 112, second paragraph. New claim 27 is indefinite in the phrase "selected from the group consisting of a carbazole group, a julolidine group, or a p-(N,N-disubstituted) arylamine group" (emphasis added) for improper Markush language. Proper Markush language would be "R is selected from the group consisting of . . . and . . . " or "R is . . . or . . . " MPEP 2173.05(h). Applicants are using a combination of both phrases. Thus, it is not clear what is the scope of the claim.
- 2. The examiner's refusal to enter the amendment filed on Feb. 2, 2005, after the final rejection, renders moot applicants' arguments regarding said amendment.